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APPLICATION NO.	FILING DATE	FIRST NAMED INVENTOR	ATTORNEY DOCKET NO.	CONFIRMATION NO.
09/253,783	02/22/1999	SHINICHI HATAE	35.C13342	6059

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FITZPATRICK CELLA HARPER & SCINTO
30 ROCKEFELLER PLAZA
NEW YORK, NY 10112

EXAMINER

TRAN, THIEN D

ART UNIT	PAPER NUMBER
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2665

DATE MAILED: 07/15/2003

14

Please find below and/or attached an Office communication concerning this application or proceeding.

Office Action Summary

Application No.

09/253,783

Applicant(s)

HATAE ET AL.

Examiner

Thien D Tran

Art Unit

2665

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address --

Period for Reply

A SHORTENED STATUTORY PERIOD FOR REPLY IS SET TO EXPIRE 3 MONTH(S) FROM THE MAILING DATE OF THIS COMMUNICATION.

- Extensions of time may be available under the provisions of 37 CFR 1.136(a). In no event, however, may a reply be timely filed after SIX (6) MONTHS from the mailing date of this communication.
- If the period for reply specified above is less than thirty (30) days, a reply within the statutory minimum of thirty (30) days will be considered timely.
- If NO period for reply is specified above, the maximum statutory period will apply and will expire SIX (6) MONTHS from the mailing date of this communication.
- Failure to reply within the set or extended period for reply will, by statute, cause the application to become ABANDONED (35 U.S.C. § 133).
- Any reply received by the Office later than three months after the mailing date of this communication, even if timely filed, may reduce any earned patent term adjustment. See 37 CFR 1.704(b).

Status

- 1) ☒ Responsive to communication(s) filed on 23 May 2003.
- 2a) ☐ This action is **FINAL**. 2b) ☒ This action is non-final.
- 3) ☐ Since this application is in condition for allowance except for formal matters, prosecution as to the merits is closed in accordance with the practice under *Ex parte Quayle*, 1935 C.D. 11, 453 O.G. 213.

Disposition of Claims

- 4) ☒ Claim(s) 1,2,8-11,20-22,24,28 and 34-49 is/are pending in the application.

4a) Of the above claim(s) _____ is/are withdrawn from consideration.

- 5) ☐ Claim(s) _____ is/are allowed.

- 6) ☒ Claim(s) 1,2,8-11,20-22,24,28 and 34-49 is/are rejected.

- 7) ☐ Claim(s) _____ is/are objected to.

- 8) ☐ Claim(s) _____ are subject to restriction and/or election requirement.

Application Papers

- 9) ☐ The specification is objected to by the Examiner.
- 10) ☐ The drawing(s) filed on _____ is/are: a) ☐ accepted or b) ☐ objected to by the Examiner.
Applicant may not request that any objection to the drawing(s) be held in abeyance. See 37 CFR 1.85(a).
- 11) ☐ The proposed drawing correction filed on _____ is: a) ☐ approved b) ☐ disapproved by the Examiner.
If approved, corrected drawings are required in reply to this Office action.
- 12) ☐ The oath or declaration is objected to by the Examiner.

Priority under 35 U.S.C. §§ 119 and 120

- 13) ☐ Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
a) ☐ All b) ☐ Some * c) ☐ None of:
1. ☐ Certified copies of the priority documents have been received.
2. ☐ Certified copies of the priority documents have been received in Application No. _____.
3. ☐ Copies of the certified copies of the priority documents have been received in this National Stage application from the International Bureau (PCT Rule 17.2(a)).
* See the attached detailed Office action for a list of the certified copies not received.
- 14) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. § 119(e) (to a provisional application).
a) ☐ The translation of the foreign language provisional application has been received.
- 15) ☐ Acknowledgment is made of a claim for domestic priority under 35 U.S.C. §§ 120 and/or 121.

Attachment(s)

- 1) ☐ Notice of References Cited (PTO-892) 4) ☐ Interview Summary (PTO-413) Paper No(s). _____
- 2) ☐ Notice of Draftsperson's Patent Drawing Review (PTO-948) 5) ☐ Notice of Informal Patent Application (PTO-152)
- 3) ☐ Information Disclosure Statement(s) (PTO-1449) Paper No(s) _____ 6) ☐ Other: _____

DETAILED ACTION

Claim Rejections - 35 USC § 103

1. The following is a quotation of 35 U.S.C. 103(a) which forms the basis for all obviousness rejections set forth in this Office action:

(a) A patent may not be obtained though the invention is not identically disclosed or described as set forth in section 102 of this title, if the differences between the subject matter sought to be patented and the prior art are such that the subject matter as a whole would have been obvious at the time the invention was made to a person having ordinary skill in the art to which said subject matter pertains. Patentability shall not be negated by the manner in which the invention was made.

2. Claims 1, 2, 8-11, 20-22, 24, 28, 34-49 are rejected under 35 U.S.C. 103(a) as being unpatentable over Schuster et al (U.S Patent No 6,226,769 B1).

Regarding claims 1, 8-11, Schuster discloses a data communication method of transferring object data from a source node to one or more destination nodes via a logical connection (col.1 lines 25-35), comprising:

a setting step, of setting a segment size in accordance with a reception capability of more or more destination nodes (col.8 lines 20-30);

a segmentation step, of dividing (segmenting) the object data into one or more segments in accordance with the variable lengths of the packet (segment sizes) (col.8 lines 15-20);

transfer step, of transferring data in each segment from the source node to one or more destination nodes via a logical link. See figure 4.

Regarding claims 20, 22, Schuster discloses data communication system comprising:

a source node for point-to-multipoints (broadcasting) an object data segmented into one or more segments by using the logical connection relationship set between one or more destination nodes and said source node (col.11 lines 40-55); and

one or more destination nodes for receiving the object data broadcasts from said source node by using said logical connection relationship;

wherein the size of said segment is set in accordance with a reception capability of said one or more destination nodes (col.15 lines 65-67).

Regarding claims 24, 28, 34-38, 42-46, Schuster discloses a data communication apparatus of transferring object data from a source node to one or more destination nodes via a logical connection (col.1 lines 25-35), comprising:

a setting step, of setting a segment size in accordance with a reception capability of more or more destination nodes (col.8 lines 20-30);

a segmentation step, of dividing (segmenting) the object data into one or more segments in accordance with the variable lengths of the packet (segment sizes) (col.8 lines 15-20);

transfer step, of transferring data in each segment from the source node one or more destination nodes via a logical link. See figure 4.

Regarding claims 39, 47, Troxel discloses that transmission medium is a bus. Col.3 lines 20-45.

Regarding claims 41 and 49, Troxel discloses that data is one of image, audio, graphic, text data. See abstract.

Regarding claims 21, 40, 48, Troxel does not disclose the network using IEEE 1394-1995 standard, which would have been obvious to one having ordinary skill in the art because the standard allows data transmission between nodes more efficient than many existent standard. Therefore, using IEEE 1394-1995 is just a design of choices for economical benefits.

Regarding claims 1, 2, 8-11, 20-22, 24, 28, 34-49, Troxel does not disclose that data packets are transmitted in asynchronous manor. However, it would have been obvious to one having ordinary skill in the art to send data in asynchronous transmission because it is a well-known type of transmission for achieving high data rate efficient

Conclusion

3. Any inquiry concerning this communication or earlier communication from the examiner should be directed to Thien Tran whose telephone number is (703) 308-4388. The examiner can normally be reached on Monday-Friday from 8:30AM to 5:00PM.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Huy Vu, can be reached on (703) 308-6602. Any inquiry of a general nature of relating to the status of this application or proceeding should be directed to the Group receptionist whose telephone number is (703) 305-3900.

Thien Tran



**ALPUS H. HSU
PRIMARY EXAMINER**